

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOSE RODRIGUEZ,  
Plaintiff,

v.

JAMES COX et al.,  
Defendants.

3:14-cv-439-MMD-VPC

**ORDER**

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on December 23, 2014. (ECF No. 5). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 5, 28). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 32).

For the foregoing reasons, IT IS ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is GRANTED. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or

1 service of subpoenas at government expense.

2 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall  
3 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding  
4 month's deposits to Plaintiff's account (**Jose Rodriguez, #1113013**), in the months that the  
5 account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The  
6 Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office.  
7 The Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of  
8 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV  
9 89702.

10 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy  
11 of Plaintiff's complaint (ECF No. 6) on the Office of the Attorney General of the State of  
12 Nevada, attention Kat Howe.

13 5. Subject to the findings of the screening order (ECF No. 5), within **twenty-one**  
14 **(21) days** of the date of entry of this order, the Attorney General's Office shall file a notice  
15 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts  
16 service; (b) the names of the defendants for whom it does not accept service, and (c) the  
17 names of the defendants for whom it is filing last-known-address information under seal. As  
18 to any of the named defendants for which the Attorney General's Office cannot accept service,  
19 the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known  
20 address(es) of those defendant(s) for whom it has such information.

21 6. If service cannot be accepted for any of the named defendant(s), Plaintiff shall  
22 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and  
23 specifying a full name and address for the defendant(s). For the defendant(s) as to which the  
24 Attorney General has not provided last-known-address information, Plaintiff shall provide the  
25 full name and address for the defendant(s).

26 7. If the Attorney General accepts service of process for any named defendant(s),  
27 such defendant(s) shall file and serve an answer or other response to the complaint within  
28 **sixty (60) days** from the date of this order.

9. The motion for the Court to order docket sheets for the above case numbers (ECF No. 4) is granted in part and denied in part. The Clerk of the Court shall send Plaintiff a copy of the docket sheet in this case only.

14 10. The motion for transcript (ECF No. 20) is denied.

DATED: This 1st day of June, 2015.

3